



**STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING OF THE
LOS ANGELES COUNTY COMMISSION FOR
CHILDREN AND FAMILIES
KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 739
LOS ANGELES, CALIFORNIA 90012
<http://lachildrenscommission.org>**

Monday, July 18, 2016

10:00 AM

AUDIO FOR THE ENTIRE MEETING. (16-3625)

Attachments: [AUDIO](#)

Present: Commissioner Maria Brenes, Commissioner Candace Cooper, Commissioner Patricia Curry, Commissioner Liz Seipel, Commissioner Wendy Garen, Commissioner Sydney Kamlager, Commissioner Janet Teague, Vice Chair Jacquelyn McCroskey, Vice Chair Wendy B. Smith and Chair Sunny Kang

Absent: Commissioner Genevra Berger, Commissioner Carol O. Biondi and Commissioner John Kim

I. ADMINISTRATIVE MATTERS

1. Call to Order. (16-3494)

Chair Kang called the meeting to order at 10:02 a.m.

2. Introduction of meeting attendees. (16-3495)

Self-introduction were made.

3. Approval of the minutes from the June 20, 2016 meeting. (16-3496)

On motion of Vice Chair Smith, seconded by Vice Chair McCroskey (Commissioners Berger, Biondi, Cooper, and Kim being absent), this item was approved.

Attachments: [SUPPORTING DOCUMENT](#)

II. REPORTS

4. Chair's Report. (16-3497)

Chair Kang report the following:

- **On Wednesday, July 27, 2016, the Los Angeles County Department of Children and Family Services and the Probation Child Welfare System Improvement Plan Stakeholders Engagement Conference will be held from 9:00 a.m. to 4:00 p.m. in Alhambra. The Commission should have representation at this conference, if interested please advise Tamara Hunter, MSW Executive Director; and**
- **The Department of Children and Family Services is hosting a series of stakeholder forums to gather input into the development of the Resource Family Approval Program in Los Angeles County. The forums will be held at various locations within the County. Commissioners who are interested in attending should contact Tamara Hunter, MSW, Executive Director.**

5. Report by Philip L. Browning, Director, Department of Children and Family Services. (16-3498)

Philip L. Browning, Director, Department of Children and Family Services (DCFS) reported the following:

- **Continuum Care Reform (CCR) implementation planning is ongoing and requires a considerable investment of time;**
- **A series of discussions with the State and counties on the new process for determining eligibility for relatives, licensed and/or certified caregivers are taking place and expected to continue through January 2017;**
- **Some counties have implemented pilot programs and are working on expediting the approval process. There are mixed reports regarding the best amount of training to be required and it has been recommended that 12 hours of training be acceptable;**
- **Fifty-two percent (52%) of foster care placements are with relatives, that's over 9,000 children. It is important to carefully review the resource family approval process since benefits are not disbursed until all requirements have been met; and**

- **Criminal background checks are processed in Sacramento and results are often delayed up to 30 days; however, with current technology, a social worker may begin the background check process from their cell phones at any time.**

Mr. Browning responded to questions posed by the Commission by explaining that the criminal background check process is automated and requires discretion. He further clarified that if recent legislation regarding criminal background checks had passed, it would have broaden the capacity for kinship placements.

Mr. Browning further reported the following:

- **The news media reported on a recent American Indian custody case. The foster parents lost their appeal and the case will likely go to the Supreme Court.**
- **Caseloads have decreased from 40 to 19, and are expected to further decrease due to the additional 450 new hires; and DCFS has requested an additional one thousand case workers; and**
- **Staff from Tennessee recently visited DCFS and observed the new simulation training conducted at the DCFS Training Academy located on Hill Street, and they were very impressed.**

In conclusion, Mr. Browning commended Chair Kang on his recent participation as Master of Ceremonies at a kinship centered church program picnic event.

The Commission commended DCFS on their progress overall.

III. PRESENTATIONS

6. Family First Prevention Services Act of 2016

- **Martha Matthews, Directing Attorney, Children's Rights Project, Public Counsel**
- **Mark Tajima, Federal Legislative Analyst, Los Angeles County Chief Executive Office (16-3499)**

Vice Chair McCroskey introduced the item and stated that she wanted to make sure the Commission is keeping up with the County's perspective on Federal legislation. The Commission is hoping to learn about

prevention efforts at the Federal level and contrast them with the approach to prevention taken at the County level.

Martha Matthews, Directing Attorney, Children's Rights Project, Public Counsel, provided an overview and presented the following on the Family First Prevention Services Act of 2016 (FFPSA 2016):

- Advocates on a national level have been concerned that Social Security Act Title IV-E (Title IV-E), a categorical entitlement, only covers a portion of State costs for out of home care;
- The Federal government will match what the State spends on foster care, relative care, group homes for federally eligible children. It only reimburses for out of home care and does not reimburse for preventive services, reunification services, and anything the State might want to do to either keep children out of out of home care or help them go home from out of home care;
- Title IV-B, Title XX, and Temporary Assistance for Needy Families (TANF) are other Federal funds that can be used for preventive services. The States have managed to find other funding sources for preventive services; however, a big chunk of Federal funds in Title IV-E only goes to out of home care costs;
- For the past decade, there has been a concerted effort to open up Title IV E funding to match State costs for prevention and reunification services. For a variety of reasons, this year there appeared to be an opportunity to open up Title IV-E funds for preventive services;
- The original concept of the FFPSA was to open up the Title IV E funding for preventive services in some way and concurrently, impose some restrictions on ongoing congregate care;
- The FFPSA was introduced in mid-June 2016 on a fast track through the House and Senate with the thought that it would pass this year or not at all;
- In order to get Republicans to support the FFPSA, it had to be cost neutral. The FFPSA opens up Title IV-E funds for preventive services for a maximum of 12 months and only for certain services, such as substance abuse treatment, mental health treatment, and parenting education, and only for children at imminent risk of entering foster care;

The States can only draw down the Federal funds if they can prove that they are spending money on those services above 2014 maintenance of effort (MOE) level and the Congressional Budget Office (CBO) estimate of how much of that fund the States were going to get for the life of the FFPSA;

- An example of a problem with the FFPSA is that you can provide those preventative services to a family while the child is in a relative's home; however, this breaks the link to Federal funding should the child enter foster care, as Federal funding for foster care is only available if the child was removed from an Aid to Families with Dependent Children (AFDC) eligible home within 6 months prior to their entry to foster care;**
- The states used to only get adoption assistance funding for adopted children who were federally eligible at the time of removal. Several years ago, the Federal government agreed to phase in matching federal funding for all adopted children, whether they were federally eligible or not. As a cost saving measure, the FFPSA will delay implementation of this conversion to the tune of an estimated \$720 million. The funds from Federal matching of adoption assistance was originally earmarked for preventive services;**
- The way the FFPSA aims to reduce the use of congregate care conflicts with what California is trying to do. Some provisions of the FFPSA are bizarre. For example, you can only get reimbursement for congregate care if the congregate care facility has a nurse on staff during business hours and on call after business hours, 24/7. Another example includes the provision that the child's need for residential care has to be certified by someone who does not work for the County or the provider;**
- The goal is to make it harder for states to place children in congregate care;**
- California has already reduced congregate care significantly. The children who are in congregate care now are older and have more complex needs;**
- The language of the FFPSA was released and an advocate coalition including, Alliance for Children's Rights, Children's Law Center, Public Counsel, Children Now, as well as CDSS, and CWDA had concerns. New York, Minnesota, North Carolina, and Washington State also expressed concerns about the FFPSA;**

At least one Senator placed a hold on the FFPSA so that it did not go through the Senate on consent; and

- **CDSS has forwarded proposed amendments to make the FFPSA work for California. In September, there will either be negotiation over the amendments or, more likely, the FFPSA will die because California's amendments will change the fiscal estimate. One cannot improve the child welfare system without spending money.**

Mark Tajima, Federal Legislative Analyst, Los Angeles County Chief Executive Office, provided a brief overview of his background in analysis of Federal legislation and reported the following:

- **This is the second bill in 33 years that the Board of Supervisors of Los Angeles County (Board) and the Department of Children and Family Services' (DCFS) Director has weighed in on;**
- **This is a very unique bill, in that never before has there been an attempt to pass and enact a bill within 30 days without an opportunity to view the details of the draft, not allowing any amendments on the bill and with unanimous consent;**
- **Need standards were never adjusted since 1996, AFDC, except partially for adoption assistance in the 2008 Fostering Connections Act. The child welfare advocates in Washington have agreed that if child welfare is to be reformed, it has to be budget neutral within child welfare;**
- **Early drafts of the legislation did not include mention of how it would be financed. Unintended consequences have been highlighted; however, consequences are not unintended when cuts are necessary to finance the bill. The shift of adoption assistance funding to States is one such example.**
- **The FFPSA also includes a problematic MOE funding requirement tied to what was spent in 2014;**
- **In TANF, MOE funds can include third party expenditures; funds that a non-profit contributes help to finance prevention services that would count towards the MOE;**

- **The State will only receive reimbursement for the amount over/above the MOE level;**
- **Regarding group homes, in our County and the majority of the states, the majority of placed kids are older and the lookback has had a greater impact. The new Federal standards will apply to the “state only kids” and the federally eligible kids;**
- **California has already significantly reduced group home placements, so we’re getting to a point in which we are dealing with kids that have no other options;**
- **The financial risks are even greater for our Board and for our County with realignment; at the next recession, sales tax and revenues that finance us will go down; however, these costs are not going to disappear;**
- **Out of IV E foster care funding throughout the nation, California gets 25%. Los Angeles County alone receives more Federal funding than any other state;**
- **There has always been bipartisan support for foster care funding. The total Title IV- E for foster care spending is \$4.6 billion;**

Mr. Browning expressed his appreciation for Ms. Matthews and Mr. Tajima for providing this information and stated that the Board’s involvement in Federal legislation does not happen often, and this is indicative of major problems with this legislation.

The Commission thanked everyone and Mr. Tajima for all the years that he’s listened to the Commission and heard their opinions.

In response to questions posed by the Commission, Ms. Matthews confirmed that she does not know the national data for the percentage of children of color in foster care; however, it mirrors California’s data. In California, Latino children represent the highest numbers in care, but are proportionately represented when compared with their numbers in the general population; African American children are disproportionately represented in foster care, with more than double the number present in the general population; Whites are slightly underrepresented; and Asians are underrepresented. The population in foster care is more

African American and Latino than any other ethnicity. Almost all children in foster care come from low income families.

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IV. DISCUSSION

7. Follow Up Discussion on Prevention. (16-3500)

Chair Kang invited Martha Matthews and Mark Tajima to participate in the Commission's follow up discussion on prevention.

Commissioner McCroskey thanked Ms. Matthews and Mr. Tajima for their presentation and added that Los Angeles County is in the process of formulating a different approach to prevention and noted:

- If you think of prevention as being the responsibility of the child welfare system alone, one may come up with a very different vision of what prevention looks like, versus the vision that prevention is the responsibility of the community and the multiple family and child serving systems that exist;**
- One of the drivers is to tap into the IV-E entitlement funding stream. When it is agreed that prevention is a responsibility we all share, the question of resources becomes much more acute because various systems have different mandates;**
- Since the 90s, Los Angeles has attempted to allow the child welfare System to administer what are essentially "prevention services"; however, with the child welfare system being so stressed and crisis oriented, it has pulled back more and more on the prevention services over time.**
- Commissioner McCroskey hopes the Commission will become more involved in planning for prevention by partnering with many, including advocates and the Office of Child Protection to take a broader look at what could be and harnessing what already exists in Los Angeles County with regard to prevention.**

Mr. Tajima commented on the restrictions of Section 1130 Waiver; however, a better waiver authority, which applies to Medicaid, AFDC and Child Support, is the Section 1115 Waiver; the waiver would provide broader authority that can impact prevention.

Ms. Matthews added that there is a shortage of substance abuse and mental health treatments to low income and at risk county residents. The primary reasons children enter the foster care system are substance abuse and mental health issues. If the FFPSA had been draft to give States a way to be reimbursed to allow for better access to these services this bill would have had a positive impact on the child welfare system.

Commissioner Garen commented on the "let's pass it now and fix it later" or "we can't fix it just for California" attitude of some. Ms. Matthews responded that California is unique in size, but not in the issues. Ms. Matthews commented on the confusion of competing sentiments regarding the FFPSA, e.g., the urgent rush to pass the FFPSA as is before this "once in a lifetime" opportunity was lost, while making claims that anything requiring adjustments would be fixed later.

Chair Kang asked if this bill would constitute a step backward or a step towards something better, but falling short. Ms. Matthews stated that the FFPSA is a step towards doing better; however, due to California's size, it would take more out of the state than what would be utilized for preventive services. Further, the State would have to comply with restrictive requirements. The positive component of the bill is that it makes title IV-E funds accessible for preventive services; however, this is overshadowed by the negative impact.

Mr. Tajima added that in Los Angeles County, 75% of out of home care costs are not federally reimbursable. It would be beneficial for the County to cut back on these costs and divert the funds to prevention or elsewhere.

V. MISCELLANEOUS

- 8. Opportunity for members of the public to address the Commission on item(s) of interest that are within the jurisdiction of the Commission. (16-3501)**

The following members of the public addressed the Commission:

Imrith Martinez expressed his gratitude for the support he received from the Commission and others who were actively involved in making it possible for him to gain custody of his siblings. Mr. Martinez, who attended the meeting with two of his siblings, said he felt compelled to return to say thank you on behalf of his family. His original intention when coming

before the Commission was to raise awareness for others in his situation and feels blessed to have received so much support.

Ashley Garcia reported that after attending the Commission meeting last month, she received a call from a supervisor associated with her case, who told her not to contact the Commission again and bother the Commission with her complaints. The supervisor stated that she could not help her. Ms. Garcia had two children removed from her custody and expressed concern with the handling of her case, the lack of reunifications services offered and the possibility of her children being adopted by strangers when her mother is willing to take responsibility. She added that two days after receiving the call from the supervisor, she had another social worker visit her home with false allegations of child abuse and drug abuse regarding her 10 year old daughter; fortunately, she spoke with the social worker and the case was closed. She feels like she is being harassed because she addressed the Commission. Ms. Garcia was referred to Aldo Marin, DCFS and the Commission will follow up with Mr. Marin on the status of her case.

Lori Ann Ibrahim, mother of two, shared her experience of losing custody of her two-day-old baby and almost five-year-old son due to a prescription medication she was taking while pregnant. She claims that DCFS did not operate within policy when they removed her children, there was nothing documented that rendered her unable to take care of her children's needs. DCFS did not conduct a needs assessment prior to removing her children. Ms. Ibrahim was referred to Aldo Marin, DCFS.

Kim Meiser, mother of Ashley Garcia, referenced her daughter's first meeting with her social worker in which the social worker stated that she was there to adopt her kids out based on a false positive urine test. Ms. Meiser expressed concern with how her daughter's case was handled and the trauma her grandchildren are experiencing. It appears to her that DCFS' goal was to have her grandchildren adopted to receive federal funding.

Olivia Williams stated that she was involved in a domestic violence (DV) incident and shared the events that led to DCFS removing her kids from her custody. In court, she received a case plan in which she was instructed to go to a DV shelter. She has stayed at the shelter for three months; however, there has been no movement by DCFS towards family reunification despite meeting all DCFS requirements. Ms. Williams is concerned about the wellbeing of her children. They are currently in three separate homes, she

has limited contact and no documentation. She is only allowed to visit with her children two hours a week separately. DCFS will not tell her the safety risk or why her children cannot come home. Ms. Williams was referred to Aldo Marin, DCFS.

Hani Yasin, a DV survivor and a former foster youth, reported her kids were returned to her by DCFS and expressed her gratitude to the Commission. She shared the circumstances of her current situation in which she is being obligated to stay in a DV shelter that is in substandard living conditions in order to retain custody of her children. Ms. Yasin's social worker referred her to DPSS for financial assistance and she feels she is the victim of retaliation because she reported the living conditions to the ARA's Supervisor. Ms. Yasin provided photos of the conditions of the shelter. Ms. Yasin was referred to Aldo Marin, DCFS.

Several Commissioners expressed great concern with allegations that clients are told not to contact the Commission.

9. Matters not posted on the agenda, to be discussed and (if requested) placed on the agenda for action at a future meeting of the Commission, or matters requiring immediate action because of an emergency situation or where the need to take action arose subsequent to the posting of the agenda. (16-3502)

There were no matters presented.

10. Adjournment. (16-3503)

The meeting adjourned at 11:55 a.m.